

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER ESPINOZA,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration

Defendant.

Case No. C11-5194-MJP-BAT

REPORT AND RECOMMENDATION

Jennifer Espinoza brought an action seeking review of the denial of her application for disability insurance benefits and supplemental security income by the Commissioner of the Social Security Administration. Dkt. 3. The parties stipulate the case should be remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings. Dkt. 23. Specifically, the parties stipulate that on remand, the Administrative Law Judge shall:

- Conduct a new hearing, further develop the record, and issue a new decision;
- Reevaluate and further develop the medical evidence or record;
- Evaluate the evidence from examining psychologist, Debra Belshie-Storlee, Ph.D., and the evidence from reviewing psychologists Jan Lewis, Ph.D., and Bruce Eather, Ph.D.;
- Reevaluate step two and step three of the sequential evaluation process;

- Evaluate the statements from Ms. Espinoza's mother, Sandy Espinoza;
- Reevaluate Ms. Espinoza's credibility;
- Reevaluate Ms. Espinoza's RFC;
- Further evaluate whether Ms. Espinoza has past relevant work she could perform as a data entry clerk/word processor that was performed at substantial gainful activity levels;
- Reevaluate step five with the assistance of a vocational expert, if necessary.

The parties agree that reasonable attorney fees should be awarded upon proper application, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

Having reviewed the pleadings and the administrative record, the Court recommends the case be **REVERSED** and **REMANDED** for further administrative proceedings as set forth above. As the parties stipulate to remand, the Court recommends if this recommendation is adopted, that it be approved immediately. A proposed order accompanies this Report and Recommendation.

DATED this 19th day of September, 2011.


BRIAN A. TSUCHIDA
United States Magistrate Judge